

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

BENJAMIN MORLEY,)
Plaintiff,)
)
v.)
)
STATE OF VERMONT;)
GOVERNOR'S WORKFORCE AND EQUITY)
AND DIVERSITY COUNCIL;) Case No. 5:21-cv-272
VERMONT DEPT. OF HUMAN RESOURCES;)
VERMONT DEPT. OF AGING AND)
INDEPENDENT LIVING; VERMONT)
DIVISION OF VOCATIONAL)
REHABILITATION;)
ALLISON LAND, in her individual and official)
capacity;)
HIBBARD DOE, in his individual and official)
capacity;)
ELIZABETH HARRINGTON, in her individual and)
and official capacity;)
DIANE DALMASSE, in her individual and)
official capacity;)
KAREN BLAKE-ORNE, in her individual and)
official capacity; and)
HEATHER BATALION, in her individual and)
official capacity;)
Defendants.)

**DECLARATION OF KAREN BLAKE-ORNE IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, Karen Blake-Orne, hereby declare as follows:

1. I am personally familiar with the facts set forth in this Declaration. If called to testify, I could and would testify competently as to the facts set forth herein.
2. I am a Senior Counselor in the Newport office of the Department of Vocational Rehabilitation. I was promoted to that role from the role of VR Counselor II in spring of 2021.
3. In my capacity as Senior Counselor, I am Benjamin Morley's immediate supervisor.

4. I formally took over supervising Mr. Morley from Hibbard Doe as of Mr. Morley's April 20, 2021 performance review.

Consumer Assignments

5. Consumers may express a preference as to whether they would prefer a female or male counselor, and DVR will attempt to honor that preference. Some consumers, for example, may have trauma histories that would make it particularly hard for them to work with a male counselor.

6. Consumers have been transferred from Mr. Morley at their own request or the request of their guardian.

7. The allegations in Complaint ¶ 52-53 concern a consumer who is seriously mentally ill and who has made accusations of sexual misconduct against numerous men who worked with her in the school system. Mr. Morley is not permitted to meet with her alone so that she cannot make unfounded accusations against him.

Feedback on HIPAA and Confidentiality Breach

8. I gave Mr. Morley supervisory feedback in August 2021 for sending Outlook invitations and cancellations that contained consumers' initials and identifying information to, among others, the private Yahoo address of a former employee of a partner agency. One of the invitations included the full first name of one of the customers as well as information that could potentially allow identification of the other individuals by the former employee. This was a HIPAA and confidentiality breach. The supervisory feedback is attached as Exhibit 1.

9. I gave a female counselor written supervisory feedback for a similar confidentiality breach. Other counselors have also received written supervisory feedback for confidentiality breaches.

Feedback on Master's Program

10. Mr. Morley, like all VR Associates, agreed when he was hired to complete a master's degree in Rehabilitation Counseling within 5 years, with full support from DVR. Obtaining a master's degree in Rehabilitation Counseling within 5 years is a requirement of his position.

11. Mr. Morley was hired in November 2019. Therefore, his degree must be completed by November 2024.

12. The program typically takes three years to complete.

13. Mr. Morley told me he planned to attend the University of Southern Maine starting in Fall 2021 and I signed off on the required forms for payment.

14. When Mr. Morley decided to drop his classes at the University of Southern Maine, he did not tell me. I found that out later through an Administrative Services Coordinator.

15. I gave Mr. Morley the written supervisory feedback attached as Exhibit 2, informing him that this is a serious performance issue.

16. Mr. Morley subsequently indicated that he plans to attend the University of Wisconsin-Stout starting in spring 2022. UW-Stout advertises its master's program in Rehabilitation Counseling as a three-year program when taken online. The program description and timeline is available at <https://www.uwstout.edu/programs/ms-rehabilitation-counseling>.

17. I am not aware of other VR Associates who have engaged in similar behavior.
I declare under penalty of perjury that the foregoing is true and correct.

Dated this 20th day of December, 2021 at Newport, Vermont.


Karen Blake-Orne